

Michael Satterwhite
The Satterwhite Law Firm, P.C.
PO Box 569 REVERE MA 02151
Attorney for Tiago H Pereira

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	
)	
IN RE Edgar Vasquez De Miranda)	Cause No: 16-10026
Neto)	
)	
)	
Debtor.)	
)	
)	

TIAGO H PEREIRA,)	
)	
Plaintiff,)	ADVERSARY
)	PROCEEDING
v.)	(COMPLAINT
)	OBJECTING TO
)	DISCHARGE OF DEBTS)
)	
)	No.16-01081

EDGARD VASQUES DE MIRANDA NETO)	
)	
Defendant.)	

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND FIRST SET OF INTERROGATORIES TO
DEFENDANT**

COMES NOW Tiago H Pereira, creditor in the above-captioned bankruptcy

case, by and through his counsel of record, Michael Satterwhite, and hereby serves this First Request for Production of Documents and First Set of Interrogatories (“Discovery Requests”) upon Defendant, pursuant to Rules 7026, 7033, and 7034 of the Federal Rules of Bankruptcy Procedures and Rules 26, 33, and 34 of the Federal Rules of Civil Procedures. Plaintiff request that Defendant respond in writing to each discovery request set forth below, and that Defendant send copies of the requested Documents to Michael Satterwhite, The Satterwhite Law Firm, P.C., PO Box 569, Revere, Massachusetts, 02151, within 30 days of the date hereof.

DEFINITIONS

1. “Document“ is used in the broadest sense permissible under the Federal Rules of Civil Procedure, and means any writing or other record whatsoever of any nature, whether transcribed by hand or by some mechanical, electronic, photographic, or other means, and regardless of the medium in, or upon which, it is retained or stored, including, without limitation, the following: correspondence; memoranda; electronic mail; notes; records; summaries of meetings or conferences; opinions; studies; reports of consultants; projections; statistical statements; drafts; agreements; telegrams; telexes;

transcripts; facsimiles; pamphlets; manuals; reports; spreadsheets; presentations; diaries; calendar entries; tape recordings; computer disks or files; charts; logs; notebooks; drawings; and plans. “Document” includes every copy of a document that is not identical to the original or any other copy.

2. “Identify” means, with regard to any Person, to state the Person’s full name, present or last known address, telephone number, and, where applicable, the Person’s employer and job title.
3. “Person” means any natural person, including an employee or former employee; any business entity including, but not limited to, corporations, partnerships, proprietorships, groups, associations, or organizations; and any agent or former agent of any of the foregoing.
4. “Fraud Lawsuit” and “Judgment” means, the lawsuit filed in Woburn District Court under docket number 1550CV0741.
5. “Creditor” means, Taigo H Pereira.
6. “Debtor” “You” and “Your” means, EDGARD VASQUES DE MIRANDA NETO.
7. “Car Dealer” the Car Dealership identified in the assignment/agreement at 35A Everett Avenue, Everett Massachusetts.

INSTRUCTIONS

1. Unless otherwise defined herein, all words and phrases used in the Discovery Requests are to be given their plain, customary, and usual meaning.
2. You should respond separately and in writing to each Discovery Request set forth below.
3. The Discovery Requests cover all Documents and information within your custody or control, regardless of whether it is currently in your possession. Thus, the scope of these Discovery Requests includes, inter alia, responsive Documents and information in the possession of your officers, employees, attorneys, accountants, and other agents.
4. All uses of the conjunctive include the disjunctive (and vice versa). All words in the singular include the plural (and vice versa). All uses of the word “all” include “any” (and vice versa). All uses of the word “each” include “every” (and vice versa). The use of a verb in any tense encompasses the use of the verb in all tenses.
5. Each Discovery Request shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph.
6. Answer each Discovery Request separately.
7. You are required to supplement and amend your responses as this

litigation proceeds in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

8. Documents should be produced either (a) as they are kept in the ordinary course of business, complete with the original file folders, binders, or other containers in which they are stored (or legible copies of the labels from those folders, binders, or containers), or (b) organized according to the document request(s) to which they are responsive. If you elect the latter mode of production, each Document or set of Documents from a particular file, binder, or other container should be accompanied by a legible copy of the label from that container or some other reliable indicator of the file from which it was taken.
9. Electronically stored information shall be produced as text searchable image files in Tagged Image File Format (“TIFF”), with the integrity of the underlying electronically stored information, i.e., the original formatting, metadata, and, as applicable, the revision history, preserved. Owens Corning reserves the right to request, at a later time and with respect to the document requests below or subsequent document requests, production of metadata, and/or Documents in their native file format.

10. If a request is made for production of Documents which are no longer in Your possession, custody, or control, state the following: when such Documents were most recently in Your possession, custody, or control; what disposition You made of them; Identify the Person currently in possession, custody, or control of such Documents; and Identify any Person referred to in the Document or sent a copy of the Document. If the Documents have been destroyed, Identify the Person who destroyed the Documents and the Person who directed that the Documents be destroyed; state when they were destroyed; and state the reasons the Documents were destroyed.

11. For any Document that You withhold, in whole or in part, on the basis of any claim of privilege or other protection from disclosure, including, without limitation, any claim of attorney-client privilege or the work-product doctrine, specify and, where appropriate, Identify, in a log prepared in accordance with the Federal Rules of Civil Procedure, the nature, subject matter, date, and title (if any) of such Document, along with the Person(s) who authored the Document, the Person(s) to whom the document is addressed or was otherwise sent, any Person who received the Document, and the nature and basis of each privilege or protection asserted. Any portion of any Document not

covered by the scope of the asserted privilege or protection must be produced.

12. Produce all portions of any responsive Document to which a claim of privilege, attorney work-product, or other basis for withholding the Document does not apply.

13. If you have a good-faith objection to any Discovery Request, or any part thereof, the specific nature of the objection and whether it applies to the entire Discovery Request or only to a portion thereof shall be stated. If there is an objection to any part or parts of a request, then the part or parts objected to should be identified, and Documents or information responsive to the remaining unobjectionable parts should be produced.

INTERROGATORIES

1. Please list all of the allegations and counts made in the Fraud Lawsuit.
2. Please state if you entered into an agreement whereby you agreed to sell your contractual rights to the car dealership to creditor for \$35,000.00.
3. Please list all payments made towards the agreement.
4. Please state your current or former ownership in Stadium Auto Sales.

5. Please state what you told the creditor about your current or former ownership in Stadium Auto Sales.
6. Please state the area included in your commercial lease for 35A Everett Avenue, Everett Massachusetts.
7. Please state each and every restriction your commercial lease had for 35A Everett Avenue, Everett Massachusetts.
8. Please state whether you gave access to creditor after entering into the agreement and if you did not give access please explain why not.
9. Please state whether you had interest in Stadium Auto Sales.
10. Please state list all financial obligations the “Car Dealer” listed in the agreement had at the time of the sale to creditor.
11. Please state if or when you received a demand letter from creditor regarding unfair and deceptive acts.
12. Please state why you believe the Fraud Lawsuit is dischargeable in your Bankruptcy.
13. Please list all witnesses you plan on using for trial.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents regarding the Fraud Lawsuit.
2. Please produce all agreements you have or had with creditor.

3. Please produce all communications you have or had with creditor.
4. Please produce all invoices and bank statements for the “Car Dealer” at 35A Everett Avenue, Everett Massachusetts from December 2014 through May 2016.
5. Please produce all bank statements for all bank accounts from December 2014 through May 2016 for you personally.
6. Please produce all 1040’s, W-2’s, and 1099’s for 2013, 2014, 2015, and through May 2016 for you and for the Car Dealer at 35A Everett Avenue, Everett Massachusetts.
7. Please produce a list of monthly expenses (mortgage/rent, utilities, car payment, car insurance, phone/cable/internet, food, clothing, medical, etc) from 2010, 2011, 2012, 2013, 2014, and through June 2016 for you and the Car Dealer at 35A Everett Avenue, Everett Massachusetts.
8. List of creditors, including dollar amount and account number (include most recent statement or invoice) from 2010, 2011, 2012, 2013, 2014, and through June 2016 for you and the Car Dealer at 35A Everett Avenue, Everett Massachusetts.
9. Please produce all monthly car loan statement or coupon book (if applicable) for 2010, 2011, 2012, 2013, 2014, and through June 2016 for you.

10. Please produce 401K/ 403(B) retirement plan statement (if applicable) 2010, 2011, 2012, 2013, 2014, and through June 2016 for you.
11. Please produce any insurance policies having cash/surrender value for 2010, 2011, 2012, 2013, 2014, and through June 2016 for you.
12. Please produce copy of title(s) to all automobiles from 2013, 2014, and prior to or in June 2016 for you and for the Car Dealer at 35A Everett Avenue, Everett Massachusetts.
13. Please produce Auto and Home Insurance Policies from 2013, 2014, and prior to or in June 2016 for you and for the Car Dealer at 35A Everett Avenue, Everett Massachusetts.
14. Please produce copy of your identification from 2014, 2015, and 2016 (Driver's License, Passport, or ID).
15. Please produce copy of any of your Credit Reports from 2014, 2015 and prior to or in June 2016.
16. Please produce all documents and filings filed in Bankruptcy Case 16-10026.
17. Please produce all documents you plan on using at trial.

DATED this 14th day of July, 2016

By: /s/ Michael A. Satterwhite
Michael A. Satterwhite

The Satterwhite Law Firm, P.C.
Attorney for Tiago H Pereira

CERTIFICATE OF SERVICE

Under penalty of perjury, the undersigned hereby certifies that on July 14, 2015, I served a true and exact copy of the foregoing document by depositing the same in the U.S. Mail, first class postage prepaid, or via CM/ECF addressed to the following:

George J. Nader
210 Broadway #101,
Lynnfield, MA 01940

DATED this 14th day of July, 2016

By: /s/ Michael A. Satterwhite
Michael A. Satterwhite
The Satterwhite Law Firm, P.C.
Attorney for Tiago H Pereira